

Respondent.

O R D E R

Judge Christopher A. Boyko

Therefore, Magistrate Judge Perelman's report and recommendation is **ADOPTED** and Defendant's Motion for Summary Judgment (Dkt. # 10) is **GRANTED**.

Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: 03/21/2007

A handwritten signature in blue ink that reads "Christopher A. Boyko". The signature is written in a cursive style with a horizontal line underneath the name.

CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

FILED

MAR 21 2007

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND